

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 3:19-CR-30071-NJR-1

MAKYRA L. JONES,

Defendant.

ORDER REDUCING SENTENCE

ROSENSTENGEL, Chief Judge:

Now before the Court is Defendant Makyra L. Jones's Motion for Retroactive Application of Sentencing Guidelines. (Doc. 59). Jones seeks a reduction in sentence from 105 months' imprisonment to 87 months' imprisonment pursuant to 18 U.S.C. § 3582(c) and Part A of Amendment 821 to the United States Sentencing Guidelines ("U.S.S.G."). (*Id.*). The Government did not timely respond to the motion.

In Part A of Amendment 821, the Sentencing Commission altered the "status points" provision regarding criminal history, which now appears in U.S.S.G. § 4A1.1(e). Under the amended provision, a defendant who has 7 or more criminal history points and who committed the offense of conviction while under any criminal justice sentence receives 1 status point. A defendant who has 6 or less criminal history points and who committed the offense of conviction while under any criminal justice sentence receives no status points. The changes apply retroactively, though a court may not order the release of a defendant to occur before February 1, 2024. *See* § 1B1.10(e)(2) (Nov. 1, 2023).

Here, with the addition of two status points, Jones's total criminal history category at sentencing was V. (See Docs. 38, 42). Based upon a total offense level of 23 and a criminal history category of V, Jones's guideline sentencing range was 84 to 105 months. (*Id.*). The Court imposed a high-end sentence of 105 months. (Doc. 46). Under Amendment 821, however, Jones would receive only one status point, reducing her criminal history category to IV, resulting in a lower advisory guideline range of 70 to 87 months. Thus, Jones asserts that a sentence reduction to 87 months is appropriate.

This Court agrees. Upon consideration of Jones's motion (Doc. 59), the policy statement set forth at U.S.S.G. § 1B1.10, and the sentencing factors set forth in 18 U.S.C. § 3553(a), the Court **GRANTS** Makyra L. Jones's motion and **ORDERS** that her sentence be reduced to a term of **87 months**. All other terms of the judgment in this case shall remain unchanged. This Order shall take effect on **February 1, 2024**.

IT IS SO ORDERED.

DATED: January 22, 2024



NANCY J. ROSENSTENGEL
Chief U.S. District Judge